IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT :

THE HONOURABLE MR. JUSTICE J.M.JAMES

FRIDAY, THE 1ST SEPTEMBER 2006 / 10TH BHADRA 1928

Bail Appl..No. 4346 of 2006

CMP.5233/2006 of J.M.F.C.-I, PUNALUR
CRIME NO.154/2006 OF THENMALA POLICE STATION

.....

PETITONER/ACCUSED

KRISHNAN KUTTY,
S/O CHELLAPPAN ACHARY,
LAYAM NO 256,3RD DIVISION,
EAST FIELD ESTATE,KAZHUTHURUTHY,ARYANKAVU,
PUNALOOR.

BY ADV. SRI.DILIP MOHAN

RESPONDENTS: COMPLAINANT/STATE

1. STATE OF KERALA REP.BY
PUBLIC PROSECUTOR HIGH COURT OF KERALA,
ERNAKULAM.

2. STATION HOUSE OFFICER,
THENMALA POLICE STATION.

BY PUBLIC PROSECUTOR P.N. SUKUMARAN

THIS BAIL APPLICATION HAVING COME UP FOR ADMISSION ON 01/09/2006, THE COURT ON THE SAME DAY PASSED THE FOLLOWING:

J.M.JAMES, J.

B.A. 4346/2006

DATED THIS THE 1ST DAY OF SEPTEMBER, 2006

O R D E R

The petitioner was arrested on 1.7.2006, with 3.5 liters of illicit arrack, by the Thenmala Police Station authorities, who registered crime No.154/2006 of that police station, for the offence punishable under Section 8 (1) & (2) of the Abkari Act. Hence this application, under Section 439 Cr.P.C.

2. The prosecution submits that crime No.18/2004 had also been registered against the petitioner. Therefore, bail was not granted, when it came for the first instance. However, considering that he is undergoing judicial detention for the last sixty days, I grant bail and release the petitioner from jail, subject to the following conditions:-

(a). The petitioner shall execute a bond for Rs.25,000/-, with two solvent sureties,

each for the like sum, to the satisfaction of the Judicial Magistrate of First Class-I, Punalur.

(b). The petitioner shall report before the Investigating Officer, once in a week on every Tuesday, between 10.00 a.m and 11.00 a.m., for a period of two months, starting from 12.9.2006.

The application is allowed as above.

J.M.JAMES
JUDGE

mrcs